

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:97CR133
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SYLVESTER LEE SMITH,)	
)	
Defendant.)	

This matter is before the Court on the government's motion to dismiss (Filing No. 7). Pursuant to Federal Rule of Criminal Procedure 48(a), leave of court is granted for the dismissal of the Indictment against the above-named Defendant without prejudice.

IT IS ORDERED:

1. The government's motion to dismiss (Filing No. 7) is granted; and
2. This case is dismissed against the above-named Defendant without prejudice.

DATED this 3rd day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge